

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, CHAIRMAN <http://homeland.house.gov>



Media Contact: Ryan Patmintra or
Amber Wilkerson (202) 226-9600

Washington, DC (Wednesday, October 19, 2005) The full Committee on Homeland Security held a hearing Wednesday to examine the historical and constitutional roles and responsibilities of Local, State, and Federal governments in responding to disasters and other emergencies. Chairman King made the following statement*:

**STATEMENT BY CHAIRMAN PETER T. KING
Committee on Homeland Security**

**"Federalism and Disaster Response: Examining the Roles and
Responsibilities of Local, State, and Federal Authorities"**

October 19, 2005

Good morning. Let me first welcome our distinguished witnesses. We appreciate your appearance before us today.

This hearing is a momentous one: it is the 50th hearing of the now permanent, standing House Committee on Homeland Security. And, as its new Chairman, I can think of no topic more fitting for this occasion than that of Federalism and disaster response. And I can think of few others more qualified to speak about this vitally important topic than the excellent public servants who sit before us this morning.

As their States' chief executives, Governors Bush, Perry, and Napolitano serve on the front-lines of disaster and emergency response. From raging wildfires and flash floods to mammoth hurricanes and terrifying tornadoes, the inhabitants of Florida, Texas, and Arizona regularly confront Mother Nature's fury and its often horrific consequences.

As senior local officials from the State of Texas, Judge Eckels, Mayor Wallace, and Alderman Samuel are all responsible for ensuring the public safety and welfare of their neighbors. They are usually, not surprisingly, the first elected officials on the scene when disaster strikes.

I know that I speak on behalf of every Member of this Committee when I express my heartfelt sorrow at the destruction caused in Harris County and the Cities of Beaumont and Sugar Land by Hurricane Rita. Governor Perry, Judge Eckels, Mayor Wallace, and Alderman Samuels, you are to be commended for your dedication and hard work in recent weeks.

While it is impossible to seamlessly evacuate more than 2 million people without some logistical problems, your efforts in response to Hurricane Rita – and

*Statement provided as prepared. Actual speech may have varied from this posting.

those of countless others in Texas and Louisiana – deserve great praise. You clearly had disaster plans in place prior to the storm, and you implemented them in a manner that undoubtedly saved hundreds and possibly thousands of lives.

Every year, the United States is hit by numerous disasters, both large and small. Indeed, there are tens of thousands of emergencies each year. And most of these emergencies – even disasters – are more than adequately handled at the local level, usually by local fire and police departments.

The Federal government's role, if any, is usually limited to providing assistance in the aftermath of such incidents at the request of local and State government officials.

Every so often, however, our Nation is confronted by a catastrophic disaster or emergency that completely overwhelms the immediate emergency response capabilities of local and State governments. The destruction caused by Hurricane Katrina is but one recent example.

And, without fail, after every such catastrophe, many in the news media, Congress, and the public at large clamor for an improved and expanded Federal role in responding to such disasters.

That is certainly the case now in the aftermath of Hurricane Katrina's unprecedented destruction, which essentially destroyed the Gulf States' local response infrastructure.

There are, however, constitutional, legal, and practical constraints on the Federal government's ability to preempt the local and State role in responding to disasters and emergencies. Not surprisingly, these constraints are often overlooked in much of the criticism of the Federal government's response to major catastrophes such as Hurricane Katrina.

Under our federal system, local and State governments – and not the Feds – are primarily responsible for responding to natural disasters and other emergencies. States and local governments have the power and responsibility to order evacuations from endangered areas. States and local governments have the responsibility, and are ideally situated, for understanding the situation on the ground, and requesting and directing available aid from other States and the Federal government. And States have the authority and the responsibility for maintaining public order, through the National Guards under the command of the Governors.

And this is as it should be. As a practical matter, it makes little sense for the Federal government in Washington, D.C., to preempt local authority in this area. States and municipalities are closer to the basic resources needed to respond to disaster situations. State and local first responders also live in the communities that they serve and, as a result, are in a better position than the Federal government to assess during an emergency where the greatest, or most immediate, needs exist at any given time.

Of course, all of this assumes a competent and functioning local and State response infrastructure. To help with this aspect, the Federal government since 2002 has pumped an unprecedented amount of money – tens of billions of dollars – into State and local coffers for the express purpose of improving their preparedness

for terrorism, public health emergencies, and other major disasters.

However, as this Committee knows all too well, the lack of risk-based funding decisions at the Federal and State levels, combined with a lack of measurable preparedness objectives, has raised serious questions as to the effectiveness of this additional spending. And the utter lack of advance planning for the use of these funds has led to the intolerable situation in which roughly half of these desperately needed grant funds remain stuck in the administrative pipeline.

As Chairman of the House committee with primary jurisdiction over the Department of Homeland Security, I am eager to hear your perspective on how we can more effectively enhance preparedness at all levels of government, and whether the historic roles and responsibilities of local, State, and Federal agencies with respect to emergency response – or at least with respect to catastrophic disasters – need to be revised.

I have agreed publicly with President Bush that the Congress must begin a serious dialogue on the question of whether the President and the Federal government should be given greater authority to intercede into local affairs without request when – for whatever reason – the state and local response infrastructure is unable to perform as required under the circumstances. It may indeed be necessary to do so, if for no other reason to ensure that accountability and authority are more closely aligned.

I look forward to hearing from our distinguished witnesses today, and thank them again for traveling all the way to Washington, D.C., to begin this important dialogue with us.

I now recognize the Ranking Member, Mr. Thompson, for any opening statement he may wish to make.